



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/796,121

03/10/2004

Christopher T. Evans

UNION STREET

2491

7590

01/30/2007

James C. Wray
Suite 300
1493 Chain Bridge Road
McLean, VA 22101

EXAMINER

BUI, LUAN KIM

ART UNIT

PAPER NUMBER

3728

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|-----------|---------------|
|--|-----------|---------------|

3 MONTHS

01/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/796,121

Applicant(s)

EVANS ET AL.

Examiner

Luan K. Bui

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 and 26-46 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24, 25 and 49-51 is/are allowed.
- 6) ☒ Claim(s) 22, 23, 47, 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 22, 23, 47 and 48 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Rebne et al. (5,019,125; hereinafter Rebne'125). Rebne'125 discloses a blister package opener apparatus (10) comprising a blister package (34) having blisters (37-42) and a cover layer (54, 55), a frame (12) connected to a top of the blister package and an opener (11, 23-26) connected to the frame at least along the posts (48-51) and the side walls (14-21). As to claim 23, the frame covers the cover layer (Figure 3) and the opener comprises tabs (23-26) having ends hinged to the frame (since tabs hingedly connected to the opener and the opener connected to the frame. Therefore, the tabs hinged to the frame, Figures 3 and 6). The tabs are inherently capable of lifting. Claims 47 and 48 are anticipated by the method of using the apparatus of Rebne'125.

3. Claims 22 and 47 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Intini (4,537,312). Intini discloses a blister package opener apparatus (10) comprising a blister package (16) having blisters (22) and a cover layer (20), a frame (14) connected to a top of the blister package and an opener (12) connected to the frame along the sides (32, 38, Figures 5-7). Claim 47 is anticipated by the method of using the apparatus of Intini.

Art Unit: 3728

4. Claims 22, 23, 47 and 48 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Ardito (4,074,806). Ardito discloses a blister package opener apparatus (10) comprising a blister package (44) having blisters (46) and a cover layer (48), a frame (12) connected to a top of the blister package and an opener (14) connected to the frame along the hinge (16). As to claim 23, the frame covers the cover layer (Figure 3) and the opener comprises tabs (34) having ends hinged to the frame (since tabs hingedly connected to the opener and the opener connected to the frame. Therefore, the tabs hinged to the frame, Figure 1). The tabs are inherently capable of lifting. Claims 47 and 48 are anticipated by the method of using the apparatus of Ardito.

Allowable Subject Matter

5. Claims 24, 25 and 49-51 are allowed.

Response to Arguments

Applicant's arguments filed on 12/13/2006 have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to Rebne in the remarks are noted. They are not persuasive because the blister package is connected to the frame at least along the posts (48-51, column 3, lines 1-2) and the element 11 is connected to the tray 12 along the posts (48-51) and side walls. The element 11 contains elements that open the blisters are considered equivalent to an opener as claimed. The hinged panel elements 23-26 in Rebne are inherently capable of lifting which are considered equivalent to the lifting tabs as claimed.

Applicant's arguments with respect to Intini in the remarks are noted. They are not persuasive because Intini discloses the opener connected to the frame (Figures 6, 7 and 10) and the opener (12, 32, Figure 10) connected to the frame as claimed. Applicant is requested to review the claims as cited prior of making the arguments.

Applicant's arguments with respect to Ardito in the remarks are noted. They are also unpersuasive because Ardito discloses the frame connected to the top of the blister package (Figure 3 shows the blister package is in contacted with the frame) and the opener (14, 34) connected to the frame along the hinge (16). The dispensing elements (34) of Ardito are inherently capable of lifting which are considered equivalent to lifting tabs as claimed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. **The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Formal papers and After Final communications.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lkb
January 24, 2007



Luan K. Bui
Primary Examiner
Art Unit 3728